APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/805,310	03/13/2001	Kannan Srinivasan	696.004	1781

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EXAMINER
JACKSON, BLANE J

ART UNIT	PAPER NUMBER
2618	

MAIL DATE	DELIVERY MODE
02/22/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/805,310	Applicant(s) SRINIVASAN ET AL.
	Examiner Blane J. Jackson	Art Unit 2618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *31 January 2008*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *4,15,20,21 and 25-33* is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *4,15,20,21 and 25-33* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All b)☐ Some * c)☐ None of:

   1.☐ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO/SB/08)
   Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____ .
5)☐ Notice of Informal Patent Application
6)☐ Other: _____ .

DETAILED ACTION

Examiner's Comments

This application was withdrawn from issue after payment of the issue fee on 31 January 2008 due to unpatentability of the claims. Upon further review of the independent claims, it was determined the concept of "automatically pushed or pushing" of "automatically pushing the information potentially of interest to the user of the wireless device", the primary claim element, is not made clear in the claim language. Consequently, prior art Owensby is presented to teach this claim element.

Claim Objections

Claim 31 objected to because it indicates dependency to claim 31 where claim 30 is expected. Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 4, 15, 20, 21 and 25-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Owensby (US 6,647,257) in view of Tijerino (US 6,405,034).

As to claims 4, 15 and 20, Owensby teaches a method of communicating information to a wireless communication device user, comprising:

determining a location of the wireless device (column 11, lines 18-50, providing targeted messages to a subscriber of a wireless mobile communications service based on the location of the user),

predicting information potentially of interest to the user from the location of the wireless device, a time of day associated with the wireless device, and at least one preference of the user (figure 1, column 18, line 33 to column 19, line 54, the ad selection code generator of the ad chooser server (22) combines the location data, date and time data, subscriber identification code, demographic and personal preference information to predict the ad),

automatically pushing communicating the information potentially of interest to the user of the wireless device (column 19, lines 19-36, the insertion of a specific user selected advertisement prior to connection of a call or at regular intervals during the call),

wherein the at least one preference of the user is determined predicted by utilizing a profile of preferences of the user to infer the likely interest of the user (column 19, lines 19-54, personal preference information previously obtained from the subscriber and stored in the subscriber profile data (26) electronic database), and

wherein the profile of preferences of the user is obtained by ascertaining trends in selections made by the user and based upon historical data associated with the user (column 19, lines 45-54, algorithm to develop subscriber personality profiles including

the previous responses and movement patterns of the subscriber based on wireless

mobile location, date and time).

Owensby does not teach wherein the order in which the information is

automatically pushed is based upon the at least one preference of the user.

Tijerno teaches an adaptive communication data retrieval system for sending and

receiving personalized information from a communication device based on the

preferences, usage patterns, historical data patterns and location of the user, column 5,

lines 51 to column 6, line 55. Tijerno discloses the information server sends the

retrieved data to the communication device to display the search results of the user's

augmented data and a separate list of suggestions based on other users most

accessed choices, column 6, lines 56-65.

Since Tijerno, like Owensby teaches a wireless location based information

retrieval system, column 5, lines 51-67, it would have been obvious to one of ordinary

skill in the art at the time of the invention to utilize the order or ranking of information as

pushed by Tijerno for use in the like system of Owensby to organize the predicted

information presented to the wireless mobile user.

As to claims 21, Owensby teaches a method of communicating information to a

wireless communication device user, comprising:

determining a location of the wireless device (column 11, lines 18-50, providing

targeted messages to a subscriber of a wireless mobile communications service based

on the location of the user),

predicting information potentially of interest to the user from the location of the

wireless device, a time of day associated with the wireless device, and at least one

preference of the user (figure 1, column 18, line 33 to column 19, line 54, the ad

selection code generator of the ad chooser server (22) combines the location data, date

and time data, subscriber identification code, demographic and personal preference

information to predict the ad),

automatically pushing communicating the information potentially of interest to the

user of the wireless device (column 19, lines 19-36, the insertion of a specific user

selected advertisement prior to connection of a call or at regular intervals during the

call),

encouraging the user to make a selection from an information set corresponding

to the automatically pushed information and

storing information associated with the selection made in a database for

subsequently predicting information potentially of interest to the user user (column 19,

lines 19-54, personal preference information previously obtained from the subscriber

and stored in the subscriber profile data (26) electronic database)

wherein the at least one preference of the user is determined predicted by

utilizing a profile of preferences of the user to infer the likely interest of the user (column

16, lines 3-21, subscriber is provided with a message that is targeted to the subscriber

based on the predetermined subscriber profile data (26) and location of the subscriber),

and

wherein the profile of preferences of the user is obtained by ascertaining trends in selections made by the user and based upon historical data associated with the user (column 19, lines 45-54, algorithm to develop subscriber personality profiles including the previous responses and movement patterns of the subscriber based on wireless mobile location, date and time).

Owensby does not teach wherein the order in which the information is automatically pushed is based upon the at least one preference of the user.

Tijerno teaches an adaptive communication data retrieval system for sending and receiving personalized information from a communication device based on the preferences, usage patterns, historical data patterns and location of the user, column 5, lines 51 to column 6, line 55. Tijerno discloses the information server sends the retrieved data to the communication device to display the search results of the user's augmented data and a separate list of suggestions based on other users most accessed choices, column 6, lines 56-65.

Since Tijerno, like Owensby teaches a wireless location based information retrieval system, column 5, lines 51-67, it would have been obvious to one of ordinary skill in the art at the time of the invention to utilize the order or ranking of information as pushed by Tijerno for use in the like system of Owensby to organize the predicted information presented to the wireless mobile user.

Claims 1-3 and 22-24 are cancelled.

As to claim 25 with respect to claim 21, Owensby teaches the information potentially of interest comprises restaurant selections provided based upon at least one type of food preferred by the user (column 15, lines 59-67).

As to claim 26 with respect to claim 21, Owensby teaches the step of predicting information potentially of interest to the user further comprises" comparing known preference data associated with the user with a database of products and services and matching products and services within the database with the known information (column 15, line 59 to column 16, line 2).

As to claim 27 with respect to claim 21, Owensby teaches the step of predicting information potentially of interest further comprises: where the at least one user preference is a preference for a restaurant of a particular style, the information potentially of interest will include a listing of restaurants contained in a database corresponding to the particular style located within a predetermined distance of the location of the wireless device (column 5, lines 47-67 and column 19, lines 45-54, algorithm to develop subscriber personality profiles including the previous responses and movement patterns of the subscriber based on wireless mobile location, date and time).

As to claim 28 with respect to claim 27, Owensby teaches the at least one user preference indicates a preference for a time of day when the restaurant of a particular

style is preferred, the information potentially of interest will include a listing of restaurants contained in a database corresponding to the particular style located within a predetermined distance of the location of the wireless device (column 5, lines 47-67 and column 19, lines 45-54, algorithm to develop subscriber personality profiles including the previous responses and movement patterns of the subscriber based on wireless mobile location, date and time).

As to claim 29 with respect to claim 28, Tijerno of Owensby modified teaches the automatically pushed information comprises a list of no more than twenty of the restaurants predicted to be potentially of interest to the user (column 6, lines 54-65, the returned data is displayed and may be listed for the user's selection).

As to claim 30 with respect to claim 4, Tijerno of Owensby modified teaches the step of predicting information potentially of interest further comprises: predicting information potentially of interest to the user from a surge in demand at a time proximate to the time of day associated with the wireless device, wherein the surge in demand is determined by detecting an increase in requests for information by other users at a location proximate to the location of the wireless device (column 6, lines 54-65, the displayed returned data is based on the date and time of day and may include a list based on other users most accessed choices).

As to claim 31 with respect to claim 30, Tijerno of Owensby teaches the information potentially of interest comprises both static and dynamic information (column 6, lines 54-65, the displayed returned data is based on the date and time of day and may include a list based on other users most accessed choices).

As to claim 32 with respect to claim 4, Tijerno of Owensby modified teaches the step of predicting information potentially of interest further comprises where the time of day associated with the wireless device is proximate to a peak traffic time for a location proximate to the location of the wireless device, alternate routes for commuting are included as information potentially of interest to the user (column 3, lines 30-54, traffic monitoring).

As to claim 33 with respect to claim 21, Owensby teaches the step of predicting information potentially of interest to the user further comprises utilizing the profile of preferences of the user by comparing repeated selections of a particular product with a database containing product providers that are both located proximately to the wireless device and offering the product to predict a potential preference of the user for that provider, wherein the potential preference and the provider are matched and further wherein at least one short message containing information associated with the product provider is utilized to represent the information potentially of interest to the user (column 4, lines 10-42, collect and monitor user preferences to build historical data).
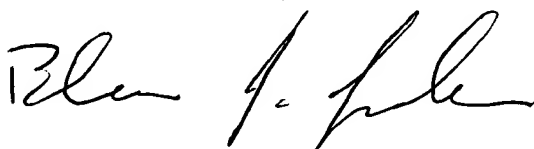
Conclusion

Of particular relevance but predated by the applicant's effective filing date is Johnson (US 6,731,238).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Blane J. Jackson whose telephone number is (571) 272-7890. The examiner can normally be reached on Monday through Thursday, 7:30 AM-6:00 PM, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban can be reached on (571) 272-7899. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.